



04-19-04

EXPRESS MAIL NO.: EV 335 859 583 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Harry A. Dugger, III.

Confirmation No.: 5742

Application No.: 10/726,625

Art Unit: 1616

Filed: December 4, 2003

Examiner: To be assigned

For: BUCCAL, POLAR AND NON-
POLAR SPRAY OR CAPSULE
CONTAINING DRUGS FOR
TREATING PAIN

Attorney Docket No.: 11122-039-999

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. §1.56 AND §1.97**

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. §1.56 and §1.97 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of any claim of the application, Attorneys for Applicant hereby directs the Examiner's attention to references A01 through A29, B01 through B19 and C01 through C05, which are listed on the attached revised PTO Form 1449. Copies of these references are submitted herewith.

Identification of the listed references is not to be construed an admission of Applicant or Attorneys for Applicant that such references are available as "prior art" against the subject application. Consequently, Applicant respectfully declines to use form PTO-1449, since this form identifies all of the references cited therein as "Prior Art." As an alternative, Applicant submits herewith several pages of a "revised form PTO 1449" entitled "List of References Cited by Applicant" instead of "List of Prior Art Cited."

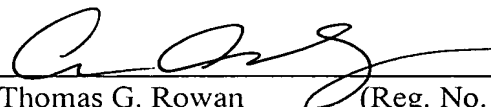
Pursuant to 37 C.F.R. §1.97(b), since this Information Disclosure Statement is being filed before the mailing of a first Office Action on the merits, it is believe that no fee is

due in connection herewith. However, should the Patent and Trademark Office determine otherwise, please charge the required fee to Jones Day Deposit Account No. 50-3013.

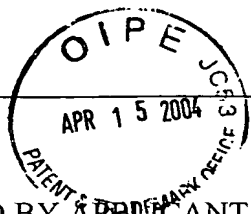
Applicant respectfully requests that the Examiner review the foregoing references and that the references be made of record in the file history of the application.

Respectfully submitted,

Date: April 15, 2004


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By: Catharina J. Chin Eng (Reg. No. 42,412)

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LIST OF REFERENCES CITED BY APPLICANT
(Use several sheets if necessary)

ATTY DOCKET NO.
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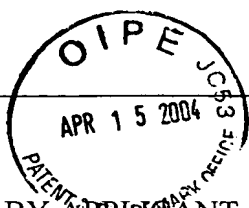
U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A01	6,110,486	08/2000	Dugger III	424	435	
	A02	6,071,539	06/2000	Robinson et al.	424	466	
	A03	5,981,591	11/1999	Deihl	514	568	
	A04	5,869,082	02/1999	Dugger, III	424	435	
	A05	5,955,098	09/1999	Dugger, III	424	435	
	A06	5,766,573	06/1998	Purewal et al.	424	45	
	A07	5,719,197	2/1998	Kanios et al.	514	772.6	
	A08	5,593,684	01/1997	Kramer	208	252	
	A09	5,519,059	5/1996	Sawaya	514	599	
	A10	5,474,759	12/1995	Fassberg et al.	424	45	
	A11	5,457,100	06/1993	Daniel	514	220	
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	A13	5,428,006	06/1995	Bechgaard	424	45	
	A14	5,370,862	12/1992	Klokkers-Bethke et al.	424	47	
	A15	5,364,616	11/1994	Singer et al.	424	52	
	A16	5,186,925	02/1993	Cholcha	424	43	
	A17	5,135,753	08/1992	Baker et al.	424	435	
	A18	5,128,132	07/1992	Parnell	424	195.1	
	A19	5,047,230	09/1991	Nagy et al.	424	45	
	A20	5,011,678	04/1991	Wang et al.	424	45	
	A21	4,935,243	06/1990	Borkan et al.	424	441	
	A22	4,919,919	04/1990	Aouda et al.	424	45	
	A23	4,857,312	08/1989	Hegasy et al.	424	80	
	A24	4,755,389	07/1988	Jones et al.	424	456	
	A25	4,689,233	08/1987	Dvorsky et al.	424	455	
	A26	4,232,002	11/1980	Nogrady	424	25	
	A27	3,784,684	01/1974	Bossert et al.	424	37	
	A28	3,304,230	02/1967	Abramson et al.	167	82	
	A29	3,155,574	11/1964	Silson et al.	167	54	

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



LIST OF REFERENCES CITED BY APPLICANT
(Use several sheets if necessary)

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FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	B01	WO 01/66089	09/2001	WIPO				
	B02	EP 0719549	07/1996	EPO				
	B03	WO95/24893	09/1995	PCT				
	B04	EP 0656206	06/1995	EPO				
	B05	WO94/13280	06/1994	PCT				
	B06	EP 0557129	08/1993	EPO				
	B07	DE4132176	04/1993	Germany (Abstract)				
	B08	EP 0605483	04/1993	EPO (Abstract)				
	B09	WO93/04671	03/1993	PCT				
	B10	DE4112303	10/1992	Germany (Abstract)				
	B11	EP 0504112	09/1992	EPO (Abstract)				
	B12	DE4038203	06/1992	Germany (Abstract)				
	B13	EP 0471161	02/1992	EPO (Abstract)				
	B14	WO 90/01046	02/1990	PCT				
	B15	EP 0315960	05/1989	EPO				
	B16	EP 0213 108	03/1987	EPO				
	B17	DE3246081	06/1984	Germany (Abstract)				
	B18	DE3338978	05/1984	Germany (Abstract)				
	B19	2,082,457	03/1982	Great Britain				

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

C01	Rote Liste 1995 "Arzneimittelverzeichnis des BPI and UFA"
C02	Flemington Pharmaceutical Corporation webpage, www.flemington-pharma.com
C03	Goodman and Gilman's The Pharmacological Basis of Therapeutics, 9 th ed., pp. 490
C04	Goodman and Gilman's The Pharmacological Basis of Therapeutics, 9 th ed., pp. 496
C05	Goodman and Gilman's The Pharmacological Basis of Therapeutics, 9 th ed., pp. 497

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DATE CONSIDERED

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